

Appl. No. : 09/787,784
Filed : July 30, 2001

REMARKS

This communication is in response to the Office Action addressing patentability of the application filed July 30, 2001. According to the head note for MPEP 706:

The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.

Instead, the Examiner has repeatedly cited new prior art, such that Applicant's attempts to provide evidence of patentability are rendered moot. Applicant respectfully submits that because the application was filed almost six years ago, the USPTO should have had sufficient time to discover all prior art.

In the outstanding Office Action, the Examiner has rejected Claims 9-30. Reconsideration and allowance of all Claims 9-30 in light of the present remarks is respectfully requested.

Discussion of Rejections Under 35 U.S.C. § 112 ¶ 1

Claims 9-30 are rejected under 35 U.S.C. § 112 ¶ 1. The Office Action asserts that the claims omit an essential feature that the key facility receives the third encrypted part. In addition, during the interview, Examiner Hewitt introduced additional concerns regarding "intended use" features, which do not effectively limit the system. Applicant respectfully submits that the claims have been amended to address the concerns outlined in the Office Action and the additional concerns brought up in the interview.

Discussion of Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 9-30 under 35 U.S.C. § 102(b) as being unpatentable over Ginter (US 5,892,900).

Ginter discloses "systems and methods for electronic commerce including secure transaction management and electronic rights protection." (see abstract). The sections of the patent referenced by the Examiner (col 67 ln 48 – col 68 ln 27, col 118 ln 25-40, and fig. 62) discusses a secure processing unit (SPU) which "includes both a symmetric key encryption/decryption circuit ... and an antisymmetric circuit." (col 68 ln 2-6) Also found in the

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referenced portion is a discussion of virtual paging, where "load modules can be broken up into separate components..., only one of which must be loaded for simple load modules to execute."

Ginter, however, does not disclose all of the elements of Claim 9. For example, Ginter does not disclose a sender facility with a first encryption module configured to encrypt data for an intended recipient, wherein a first encrypted part and a remaining encrypted part are produced, the first encrypted part carrying information for decryption of the remaining encrypted part such that the remaining encrypted part can be decrypted only after decrypting the first encrypted part.

Accordingly, Applicant respectfully submits that Claim 9 is patentable over Ginter. Similarly, Applicant respectfully submits that Claims 18, and 27-30 are also patentable over Ginter for reasons similar to those discussed with regard to Claim 9.

Furthermore, applicant does not necessarily agree with the characterization of Ginter with regard to the dependent claims, but submits that Claims 10-17, and 19-26 are also patentable over Ginter because of the limitations which they each inherit from the independent claim from which they each depend as well as their own limitations.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Appl. No. : 09/787,784
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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